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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SPRINT COMMUNICATIONS COMPANY L.P.
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

EXAMINER

SOMMERFELD, PAUL J

ART UNIT PAPER NUMBER

2168

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,456	Applicant(s) QUINT, JOE	
	Examiner Paul J. Sommerfeld	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/5/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 4 and 11 is objected to because of the following informalities:

Claims 4 and 11 refer to "a textual note notes" which appears to contain a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 7 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 7 is directed to a data stream including an output file. The specification of the invention does not provide a description of a data stream that includes an output file.

Art Unit: 2168

Therefore, claim 7 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 8 recites "a delineated text file", but the specification of the invention does not provide a description of such a file. Therefore, claim 8 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites "a delineated text file" which was not described in the specification of the invention. The American Heritage College Dictionary defines the word "delineate" as follows: (1) To draw or trace the outline of; sketch out. (2) To represent pictorially; depict. (3) To depict in words or gestures; describe. Given these definitions and the lack of description in the specification, it is unclear what Applicant

means by "a delineated text file". For purposes of examination, the Office assumes --a text file-- in place of "a delineated text file".

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites "one or more computer-readable media," the scope of which, as set forth in paragraph 24 of the specification, includes "a modulated data signal." As described in the specification, "An exemplary modulated data signal includes a carrier wave or other transport mechanism." Hence, a carrier wave falls within the scope of computer-readable media. A signal or carrier wave is merely a form of energy, and therefore does not fall into one of the four enumerated categories (process, machine, manufacture, composition of matter) under 35 U.S.C. § 101.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2168

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-7, 9-15, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Strangio (U.S. Patent Number 5,280,251).

As to claim 1, Strangio teaches one or more computer-readable media, having computer-usable instructions embodied thereon (col. 1 line 62, where “computer-readable media” is read on “database”) for performing a method of printing cable-label records on a printing device, the method comprising:

receiving search criteria for one or more cable-label records, wherein said cable-label records were previously stored in a storage component (col. 8 lines 65-67);

identifying one or more records in said storage component corresponding to the search criteria (col. 8 lines 67 through col. 9 line 1); and

providing a data stream that when rendered by the printing device produces cable-label records displaying content of the identified records in a prescribed format (col. 13 lines 23-26).

As to claim 2, Strangio teaches the search criteria include at least:

a first search parameter (col. 10 lines 46-54, where “first parameter” is read on “connector types”); and

a second search parameter (col. 10 lines 46-54, where "second parameter" is read on "electrical standard").

As to claims 3 and 10, Strangio teaches the cable-label records include content that is to be printed on the cable-label records (col. 13 lines 23-26).

As to claims 4 and 11, Strangio teaches said content includes a plurality of identifiers indicating one of: a cable type, a number of runs, a racks description, racks location information, an equipment description, an equipment designation, a termination type and/or a textual note notes (col. 8 lines 66-67).

As to claims 5 and 13, Strangio teaches identifying one or more records comprises assembling a query from the first and second search parameters (col. 10 lines 46-54).

As to claims 6 and 14, Strangio teaches identifying one or more records further includes searching the storage component against the assembled query for records matching the search criteria and returning the matching records (col. 8 lines 66-67).

As to claim 7, Strangio teaches the data stream includes an output file (col. 12 lines 60-61).

Art Unit: 2168

As to claim 9, Strangio teaches a method for printing cable-label records on a printing device (col. 13 lines 15-29), comprising:

creating one or more cable-label records to be stored in a storage component (col. 8 lines 59-64);

receiving search criteria for retrieving one or more the cable-label records (col. 8 lines 65-67);

identifying at least one record in the storage component corresponding to the search criteria (col. 8 lines 67 through col. 9 line 1); and

providing a data stream that when rendered by the printing device produces cable-label records displaying content of the identified record(s) in a prescribed format (col. 13 lines 23-29).

As to claim 15, Strangio teaches a system for printing cable-label records (col. 13 lines 15-29), comprising:

a user interface operationally coupled to a storage component for receiving a search string to query the storage component for one or more records (col. 13 lines 8-9); and

a cable-label records controller that receives the query result and converts the result into a prescribed format whereby the query result can be rendered on a printing device (col. 12 lines 53-54 and 58-61).

Art Unit: 2168

As to claim 17, Strangio teaches the query result comprises all cable-label records that match the search criteria (col. 8 line 67 through col. 9 line 1).

As to claim 18, Strangio teaches a method of creating cable-label records (col. 8 lines 59-64), comprising

storing a set of data related to a cable in one or more computer-readable media (col. 8 lines 59-63);

generating a cable-label records record in a structured format from the set of data (col. 8 lines 59-63); and

storing the cable-label records record in one or more computer-readable media for subsequent recall (col. 8 lines 59-63, col. 8 line 66 through col. 9 line 6).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strangio (U.S. Patent Number 5,280,251) as applied to claims 1 and 15 above, and further in view of Rojas et al (U.S. Patent Number 6,721,414 B1).

As to claim 8, Strangio does not explicitly teach the prescribed format includes at least one selection from the following:

- a binary file;
- an ASCII file; and
- a delineated text file, including a delimiter.

Rojas et al teaches the prescribed format includes at least one selection from the following:

- a binary file (col. 9 lines 58-61, where "binary file" is read on "text file");
- an ASCII file (col. 9 lines 58-61, where "ASCII file" is read on "text file"); and
- a delineated text file, including a delimiter (col. 9 lines 58-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Strangio by Rojas et al, because adding the capability to convert cable information into a text file provides a means of transferring information out of the database of cable information (Rojas et al col. 9 lines 65-67).

As to claim 16, Strangio does not explicitly teach the prescribed format includes at least one selection from the following:

- an ASCII file; and
- a delimited text file.

Rojas et al teaches the prescribed format includes at least one selection from the following:

an ASCII file (col. 9 lines 58-61, where "ASCII file" is read on "text file"); and
a delimited text file (col. 9 lines 58-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Strangio by Rojas et al, because adding the capability to convert cable information into a text file provides a means of transferring information out of the database of cable information (Rojas et al col. 9 lines 65-67).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Publication 20050120196 A1, issued to Zito, for teaching a database storing information concerning components of a telecommunications network, including the capability of printing labels
- U.S. Patent Number 5021968 A, issued to Ferketic, for teaching a database storing information concerning communications cables installed in a building.

Art Unit: 2168

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Sommerfeld whose telephone number is 571 272-6545. The examiner can normally be reached on M-F 7:45 am - 4:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TIM VO
PRIMARY EXAMINER